



PTO/SB/21 (02-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number	09/810,796
	Filing Date	March 15, 2001
	First Named Inventor	Jegla, Timothy J.
	Art Unit	1645
	Examiner Name	Bridget E. Bunner
	Attorney Docket Number	018512-005010US

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form x2 <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 37 C.F.R. § 1.181(a) to Withdraw Holding of Abandonment w/Exhibit A <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	
	Annette S. Parent	Reg. No. 42,058
Signature	<i>Annette S. Parent</i>	
Date	6/3/04	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Karen Karlin		
Signature	<i>Karen Karlin</i>	Date	6-3-04

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	09/810,796
Filing Date	March 15, 2001
First Named Inventor	Jegla, Timothy J.
Examiner Name	Bridget E. Bunner
Art Unit	1645
Attorney Docket No.	018512-005010US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:
Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Total Claims		** =		X		
Independent Claims		** =		X		
Multiple Dependent				X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Petition to the Commissioner to Withdraw Holding of Abandonment

130

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$130)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Annette S. Parent	Registration No. (Attorney/Agent)	42,058	Telephone	415-576-0200
Signature	<i>Annette S. Parent</i>			Date	6/3/04

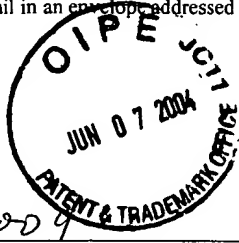
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

IFW & Dae

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 018512-005010US

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



On June 3, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Raven Karlin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JEGLA, Timothy James

Application No.: 09/810,796

Filed: March 15, 2001

For: KCNQ5, A NOVEL POTASSIUM CHANNEL

Customer No.: 20350

Confirmation No.: 6783

Examiner: BUNNER, Bridget E.

Technology Center/Art Unit: 1647

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF
ABANDONMENT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 C.F.R. § 1.181(a) and MPEP § 711.03 to withdraw the holding of abandonment for the above-referenced patent application.

As evidence, the following items are submitted herewith:

Exhibit A: A copy of the docket records for the above-referenced U.S. patent application. The records indicate that the last activity for this application is a response to an Office Action filed prior to the due date of June 12, 2003.

06/08/2004 AWONDAF1 00000081 201430 09810796

01 FC:1460 130.00 DA

REMARKS

According to the telephone call from the Examiner in charge of the above-referenced patent application, this application has been deemed abandoned, because no response to the Final Office Action mailed August 25, 2003, has been received.

Applicants submit that the holding of abandonment is in error, because Applicants' undersigned representative never received the Final Office Action mailed August 25, 2003. Applicants' undersigned representative has conducted a search of the file jacket of the present application and has discovered no indication that the Final Office Action mailed August 25, 2003, was ever received. Pursuant to MPEP §711.03(c)(II), a copy of the docket records (Exhibit A) for this application is submitted to indicate that the Office Action was not received. As evidenced by Exhibit A, the last recorded activity for this application is a response to an Office Action filed prior to its due date of June 12, 2003. If the Final Office Action mailed August 25, 2003, had been received, an entry would have been made in the docket records to reflect the due date for responding to the Action.

As such, Applicants hereby respectfully request grant of the petition and withdrawal of the holding of abandonment for the above-referenced patent application.

Should the petition to withdraw holding of abandonment not be granted, Applicants petition in the alternative to revive the above-referenced application under 37 C.F.R. § 1.137(b) as unintentionally abandoned for failure to timely respond to the Final Office Action mailed August 25, 2003. Applicants request revival of the application, pursuant to 37 C.F.R. 1.17(m), in the amount of \$665.00 for a small entity from Deposit Account No. 20-1430 of the undersigned.

Applicants further state that the entire delay in filing the petition pursuant to 37 C.F.R. 1.137(b)(3), from the final due date for filing a response to the Final Office Action mailed August 25, 2003, to the filing of a grantable petition, including the delay from the date of discovery of the abandonment of the application, was unintentional.

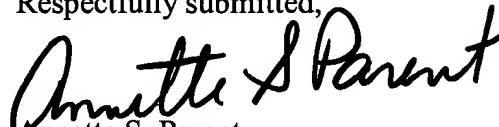
Appl. No. 09/810,796
Petition dated June 2, 2004

PATENT

Please charge any additional fees or credit overpayment to the above deposit account.

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,


Annette S. Parent
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments: Exhibit A
ASP:cg
60229741 v1

Patent Property Status ReportClick [here](#) to notify Docketing of a ch**Download Status Report****Results for:****Records Returne**

018512 ICAgen, Inc.
 P.O. Box 14487
 Research Triangle Park, North Carolina 27709
 (919) 941-5206

TTC Ref Country ATTY(s) Handling	Client's Ref	Title	Inventor	Appl No. Filing Date	Pat No. Issue Date	Status and Remarks
018512-005010US ASP (KAW)		KCNQ5, A Novel Potassium Channel	Jegla, Timothy J.	09/810796 03/15/2001		Pending claims priority from 60/190,954, filed 3/21/00; filing receipt 6/11/01 confirmation # 6783 assignee: ICAgen, Inc. recordation date: 8-9-01 (notice 10-18-01) reel: 012070/frame:0885 Notice of Publication 8/1/02 Foreign Filing Deadline: 03/21/2001 **Completed** Response to Notice of Missing Parts (1st Deadline): 08/07/2001 **Completed** Foreign Filing Deadline: 03/15/2002 **Completed** Restrictions Requirement Deadline: 05/30/2002 **Completed** Restrictions Requirement Deadline: 09/15/2002 **Completed** Resp-1 mo. Restriction Requirement: 12/05/2002 **Completed** Response to Office Action: 06/12/2003 **Completed**